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Delegations will find attached document D033545/02.

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EUROPEAN
COMMISSION

Brussels, **XXX**
D033545/2
[...] (2014) **XXX** draft

COMMISSION DECISION

of **XXX**

amending Decision **2000/532/EC** on the list of waste pursuant to Directive **2008/98/EC** of
the European Parliament and of the Council

(Text with EEA relevance)

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amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives¹, and in particular Article 7(1) thereof,

Whereas:

- (1) A Union list of hazardous waste (hereafter ‘list of waste’) was established by Council Decision 94/904/EC², and that Decision has been replaced by Commission Decision 2000/532/EC³.
- (2) Directive 2008/98/EC provides that the attribution of the hazardous properties H 4, H 5, H 6, H 7, H 8, H 10, H 11 and H 14 is to be made on the basis of the criteria laid down by Annex VI to Council Directive 67/548/EEC⁴.
- (3) Directive 67/548/EEC has been replaced by Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁵ with effect from 1 June 2015, reflecting technical and scientific progress. By way of derogation, Directive 67/548/EEC may apply to some mixtures until 1 June 2017, in case they were classified, labelled and

¹ OJ L 312, 22.11.2008, p. 3.

² Council Decision 94/904/EC of 22 December 1994 establishing a list of hazardous waste pursuant to Article 1 (4) of Council Directive 91/689/EEC on hazardous waste (OJ L 356, 31.12.1994, p. 14).

³ Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).

⁴ Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ 196, 16.8.1967, p. 1).

⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

packaged in accordance with Directive 1999/45/EC of the European Parliament and of the Council⁶ and already placed on the market before 1 June 2015.

- (4) Requirements of Decision 2000/532/EC for the classification of wastes as hazardous regarding the hazardous properties H 3 to H 8, H 10 and H 11 need to be adapted to technical and scientific progress and aligned with the new legislation on chemicals, where appropriate. These requirements have been included in Annex III to Directive 2008/98/EC.
- (5) The Annex to Decision 2000/532/EC establishing the list of waste needs to be amended to align it with the terminology used in Regulation (EC) No 1272/2008. It is appropriate to refer to Commission Regulation (EC) No 440/2008⁷ or other internationally recognised test methods and guidelines when the attribution of hazardous properties is conducted by performing a test.
- (6) The properties that render wastes hazardous are precisely defined in Annex III to Directive 2008/98/EC. Therefore, the characteristics displayed by waste to be considered as hazardous as regards H3 to H8, H 10 and H 11 that were included in Article 2 of Decision 2000/532/EC have become redundant.
- (7) The requirements of Article 3 of Decision 2000/532/EC are included in Articles 7(2) and (3) of Directive 2008/98/EC. Therefore, they have become redundant.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee provided for in Article 39 of Directive 2008/98/EC,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2000/532/EC is amended as follows:

- (1) Articles 2 and 3 are deleted.
- (2) The Annex is replaced by the Annex to this Decision.

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁶ Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (OJ L 200, 30.7.1999, p.1).

⁷ Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.5.2008, p. 1).

It shall apply from 1 June 2015.

Done at Brussels,

For the Commission

The President